

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Advanced Practice

Sections Affected: Title 16, Division 39, California Code of Regulations, Sections 4154 - Post Professional Education and Training, 4155 - Application for Approval in Advanced Practice Area

SPECIFIC PURPOSE OF THE REGULATIONS:

Existing law requires an occupational therapist (OT) complete post professional education and supervised on-the-job training in order to provide treatment to clients in the advanced practice areas of hand therapy, physical agent modalities, and swallowing assessment, evaluation, and intervention. The proposed regulatory action removes references to "certification" in order to avoid confusion with OTs who are certified as experts by other organizations. The proposed regulatory action also establishes an application abandonment clause.

FACTUAL BASIS/NECESSITY:

Section 4154: The regulations currently use the term "certification" in reference to an approved advanced practice application. This term can be misleading because OTs who qualify for advanced practice approval are not necessarily experts. However, in many health professions the words "certification" and "certified" suggest expertise. The purpose of advanced practice "certification" allows OTs to demonstrate to the Board minimum competency in any of advanced practice areas in which they will be practicing. The term "approval" is more appropriate than certification for this situation. The proposal also modifies subsection (d) to remove language concerning dates which are no longer relevant.

Section 4155: This section of the regulation also refers to "certification." This term is being changed to "approval" based on the justification above. The proposed regulation clarifies that a course syllabus and instructor's credential are only required for courses that are not pre-approved by the Board. The proposed regulation removes the grandfathering clause which allowed OTs who provided advanced practice services on or before December 31, 2003, to qualify for advanced practice approval by submitting a portfolio that documents education and training substantially equivalent to the requirements of subsection (a) and (b) in this section. This section is being removed because the deadline to submit applications under this subsection expired on October 1, 2004. The proposed regulation creates an abandonment clause of six (6) months from the date of receipt of the application or last notification of deficiency, whichever is later. The proposal specifies that applications already on file will be given six months from the effective date of these regulations before being abandoned. The abandonment clause is being added to the regulations because the Board has over 400 pending advanced practice applications, most of which are well over three years old. The Board

believes six months is sufficient time to complete an application or submit additional information for practitioners who are actively pursuing an advanced practice approval. An application submitted subsequent to the abandonment of a previous application will be treated as a new application.

UNDERLYING DATA:

No underlying data was used during the development of these regulations.

BUSINESS IMPACT:

This regulation will not have a significant adverse economic impact on business. The proposed regulation will only affect licensees and certificate holders.

SPECIFIC TECHNOLOGIES OR EQUIPMENT:

This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES:

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.